

Appl. No. 09/693,327

Pre-Appeal Brief Request for Review dated June 29, 2006

Reply to Final Office Action of April 3, 2006



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Matthias Breuer

Assignee: Sun Microsystems, Inc.

Title: A METHOD FOR HANDLING OF DIFFERENT VERSIONS OF A
DOCUMENT IN A COMPUTER SYSTEM

Serial No.: 09/693,327 Filed: October 20, 2000

Examiner: Alford W. Kindred Group Art Unit: 2163

Docket No.: P-4352

Monterey, CA
June 29, 2006

Mail Stop AF
Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

PRE-APPEAL BRIEF REQUEST FOR REVIEW

Dear Sir:

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reasons stated on the following sheets.

REMARKS

Claims 1 to 15 were pending in the application at the time of final examination. Claims 1 to 15 remain rejected as obvious.

There are at least the following errors in the final rejection:

- 1) Applicants remarks have not been rebutted on the record and so are admitted correct by the Office. In view of this fact, the application should be moved to allowance.

In the Office Action dated September 9, 2005 at pages 2 and 3, Claims 1 to 15 were rejected under 35 U.S.C. 103(a) as being unpatentable over Parker et al., U.S. Patent Publication No. 2002/0073106, in view of Gross et al., U.S. Patent No. 6,918,082 B2.

In a paper dated January 9, 2006, Applicant traversed the obviousness rejection. At pages 9 and page 10 up to the paragraph that starts with "Further," and starting again at Page 11 with the paragraph that starts with "In addition, through page 15, Applicant pointed out errors in the rejection that did not rely upon the amendments made to the claims. This portion of the response did not need the amendment to distinguish over the combination, and the amendment was not argued in this portion of the response.

In the Final Rejection dated April 3, 2006 at pages 2 and 3, the rejection in view of Parker and Gross was repeated verbatim from the Office Action dated September 9, 2005 (as noted in the paper filed by Applicant on June 2, 2006 at page 2). New information was included in the final rejection starting at page 3, line 5 that addressed only the amendment

that was made by Applicant. The interpretation of the combination of Parker and Gross and the rationale for the combination of the two references are identical in the two rejections.

At page 4, paragraph 4 in the final rejection, a cursory dismissal of Applicant's remarks in the paper of January 9, 2006 was made as noted at page 2 of Applicant's paper dated June 2, 2006.

Thus, the remarks at pages 9 and page 10 up to the paragraph that starts with "Further," and starting again at Page 11 with the paragraph that starts with "In addition, through page 15 in the paper dated January 9, 2006 were not rebutted in the final action and so are assumed correct. See Applicant's paper dated June 2, 2006 at the bottom of page 2 and the top of page 3. These facts were pointed out at page 3 of the paper dated June 2, 2006.

The Advisory Action asserts that the final rejection considered the claim as a whole. However, the fact remains that Applicant demonstrated on the record the rejection was not well founded and still the rejection was repeated verbatim in the final action. The Office has provided no evidence in the record refuting the fact that the repeated verbatim rejection based on the combination of Parker and Gross was not well founded.

The assertion in the advisory action that the final rejection gave a reason for the combination of Parker and Gross is correct. However, the reason was the same reason as in the earlier rejection that was expressly traversed and shown to be inconsistent with MPEP requirements by Applicant. The advisory action is a further admission that Applicant's remarks were not rebutted and so are assumed correct.

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Accordingly, the application is in condition for allowance based on the record and should not go to appeal. Applicant respectfully request allowance of all pending claims in the application.

CERTIFICATE OF MAILING


I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on June 29, 2006.



Attorney for Applicant(s)

June 29, 2006
Date of Signature

Respectfully submitted,



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